

Joint
Committee

89TH CONGRESS
1ST SESSION

S. CON. RES. 2

IN THE SENATE OF THE UNITED STATES

MARCH 11, 1965

Ordered to be printed as passed

CONCURRENT RESOLUTION

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a Joint Committee on the Organization of the Congress (hereinafter referred to as the committee) to be composed of six Members of the Senate (not more than three of whom shall be members of the majority party) to be appointed by the President of the Senate, and six Members of the House of Representatives (not more than three of whom shall be members of the majority party) to be appointed by the Speaker of the House of Representatives. The committee shall select a chairman and a vice chairman from among its members. No recommendation shall be made by the committee except upon a majority vote of the Members representing each House, taken separately.

SEC. 2. The committee shall make a full and complete study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution. This study shall include, but shall not be limited to, the organization and operation of each House of the Congress; the relationship between the two Houses; the relationships between the Congress and other branches of the Government; the employment and remuneration of officers and employees of the respective Houses and officers and employees of the committees and Members of Congress; and the structure of, and the relationships between, the various standing, special, and select committees of the Congress: *Provided*, That nothing in this concurrent resolution shall be construed to authorize the committee to make any recommendations with respect to the rules, parliamentary procedure, practices, and/or precedents of either House, or the consideration of any matter on the floor of either House: *Provided further*, That the language employed herein shall not prohibit the committee from studying and recommending the consolidations and reorganization of committees.

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Eighty-ninth Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable.

(b) The committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable.

(c) The expenses of the committee, which shall not exceed \$150,000 through January 31, 1966, shall be paid from the contingent fund of the Senate upon vouchers signed by the chairman.

(d) The committee shall report from time to time to the Senate and the House of Representatives the results of its study, together with its recommendations, the first report being made not later than one hundred and twenty days after the effective date of this concurrent resolution. If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be. All reports and findings of the committee shall, when received, be referred to the Committee on Rules and Administration of the Senate and the appropriate committees of the House.

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Joint Committee on the Organization of the Congress

Summary of Hearings, May 13, 1965

The Joint Committee opened its fourth hearing at 10:09 a.m., Senator Monroney presiding, with Senator Boggs and Representatives Madden and Hechler attending. Senator Metcalf and Representatives Curtis, Griffin, and Hall later joined the proceedings.

Senator Monroney put into the record a letter from the Hon. Marvin Jones, Judge of the Court of Claims.

The Joint Committee heard four witnesses: Representatives D. R. Billy Matthews, Florida, Morris K. Udall, Arizona, Hervey G. Machen, Maryland, and Jonathan B. Bingham, New York.

Rep. Matthews, the first witness, thought some criticism of Congress unfair; he did not favor the radical reform proposals advanced by others. The seniority system produces well-informed chairmen. Mr. Matthews recommended:

- 1) That Congress adhere to a definite adjournment date, except in cases of national emergency.
- 2) That better committee attendance be encouraged by making public the names of Members present at committee meetings.
- 3) That each committee chairman appoint a vice chairman to preside in the former's absence.
- 4) That the Joint Committee consider recommending joint introduction of bills in the House of Representatives.
- 5) That a Constitutional Amendment be adopted providing for staggered four-year terms for Representatives, with a clause prohibiting sitting Representatives from running for another legislative office during their terms.
- 6) That the Congressional Record's format be made more attractive, and an effective restriction be placed on extraneous material put into it.

Mr. Matthews felt that the Rules Committee, because it has no specific provincial interests, serves to check proposed legislation and to give other Members a final chance to appear and discuss the merits of proposed legislation.

During the discussion that followed, Mr. Matthews suggested the House could save some time by dropping its practice of prohibiting record votes on days when primary elections were being held. He supported Senator Boggs' suggestion that a sitting Member of Congress, when appointed to the Cabinet, should be permitted to finish his term. Mr. Matthews felt the disadvantages of electronic voting outweighed the advantages. Senator Boggs observed that such a system may not necessarily work as well in Congress as it does in the state legislatures.

Representative Udall, the second witness, dealt with the seniority system and the scheduling of Congressional business. The

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seniority system is Congress' basic illness. He recited and criticized its four main defenses: 1) It offers security. 2) It offers relief from internal strife. 3) It rewards experience. 4) It prevents centralization of power.

The system's basic fault is that, "it violates the primary safeguard of democratic government." A committee chairman has broad national powers but is presently accountable only to his own small constituency. Related faults include: 1) fragmented power; 2) chairmen unresponsive to the views of their own committees; 3) excessive blocking power in the hands of one man; 4) denial of democracy within committees and within the caucus; 5) inflexibility of the system; 6) disregard of factors other than experience; 7) failure to provide lateral entry, even to former Members.

After citing several examples of the system at its worst, Mr. Udall urged that, at the beginning of each Congress, the majority party caucus elect, by secret ballot, the chairmen of each standing committee from among the three senior majority members of that committee. The minority party would pick its ranking member in the same manner.

Mr. Udall stressed these advantages of his recommendation: 1) Committee chairmen and ranking minority members would be more responsive to their colleagues and to the Nation. 2) It would strengthen the national party structure. 3) It would strengthen our basic system of representative government. 4) It would bring about a resurgence of Congress' influence and prestige. Congress could move more often as a policy-initiating body. 5) It would avoid a return to Cannonism, yet increase the Speaker's ability to lead the party. 6) It would enable Congress to give weight to qualifications other than tenure. The importance of experience and extensive service would still be recognized. 7) The secret ballot would minimize conflict, infighting, and fear of reprisals. 8) It would continue to provide incentive for long, diligent service. 9) Only the few wrong chairmen would be replaced.

Turning to the scheduling of Congressional business, Mr. Udall advocated shorter sessions which, he suggested, could be accomplished by better use of time. He advanced three specific proposals: 1) Emphasize committee work at the session's beginning; stress floor business as the session nears its end. 2) Change the weekly schedule to three full days of committee work and two full days of heavy legislative business on the floor. 3) Fill the week with meaningful work instead of wasting Fridays and Mondays.

A general discussion of the seniority system ensued. Senator Metcalf suggested reducing the powers of chairmen as an alternative to modifying the seniority system. Mr. Curtis felt that rotating chairmanships would cure some ills of the system. His own proposal to limit continuous service of Representatives to 12 years would accomplish this. He noted the practice of rotating chairmanships on some joint committees. Mr. Udall disagreed with Senator Boggs' contention that the seniority system was a safeguard for small states.

Mr. Griffin observed that the seniority system was within the province of the parties of Congress: the pertinent House Rule calls for election of committee chairmen by the House. He also pointed out that the power of some chairmen is often given to them by their own committees. Mr. Hechler noted that the military does not adhere to the seniority system.

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The next witness, Mr. Machen, spoke in favor of his resolution to provide for a summer intern program in Congressional offices. He would raise to 16 the total number of employees permitted in a Congressional office from June to August, inclusive. Mr. Machen foresaw two benefits: 1) It would provide Members with additional office help at no extra cost to Congress. 2) It would give young people valuable insights into the legislative process.

Mr. Bingham, the final witness, urged creation of a joint committee on the intelligence operations of the Executive Department. He expressed concern because overseas operations of the CIA are not reviewed by responsible leaders of the Foreign Affairs and Foreign Relations Committees.

To deal with freshmen Congressmen's problems, Mr. Bingham suggested: 1) Formal and extended orientation and indoctrination programs to begin before the House meets in January. He also urged that advance training be given to new Congressmen's staffs. 2) More intensive briefing of the Members by representatives of the executive departments and agencies. 3) More intensive training on the Rules and Procedures of Congress.

After some discussion of Mr. Bingham's proposals, the Joint Committee recessed at 12:34 until Monday.

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CONGRESS OF THE UNITED STATES
Joint Committee on Organization

Testimony of

JONATHAN B. BINGHAM
Member of Congress
23rd District, New York

May 13, 1965

I appreciate the opportunity to appear today before the Joint Committee on the Organization of the Congress. I will not try to advise my colleagues on matters pertaining to rules and procedures of the Congress. Four months' experience in the House hardly qualifies me to make informed judgments on questions of this type. Rather, I appear here today to discuss two questions on which I do have some qualifications. One of these involves the foreign policy function of the Congress, about which I have made some tentative judgments throughout a number of years of service in the Executive Branch. The other is a subject on which I am unquestionably an expert: the freshman Congressman's problem in qualifying to meet his responsibility to the House.

I strongly urge this Committee to recommend the creation of a Joint Committee on the intelligence operations of the Executive Department. This was recommended by the Hoover Commission Task Force in 1955. From time to time since then, it has been endorsed by various Senators and members of the House of Representatives as well as by many careful observers of the national scene, including the Washington Post and the New York Times.

Historically the Central Intelligence Agency has opposed any such Joint Committee for legislative oversight. It prefers the present system whereby its operations are scrutinized by select subcommittees of the armed services and the appropriations committees. In 1956 its influence was sufficient to defeat S. Con. Res 2, which would have created a Joint Committee on Central Intelligence drawn exclusively from the subcommittees to which the C.I.A. then, and now, reports. It is interesting to note that the 1956 proposal carried the sponsorship of the present Vice President, the Majority Leader of the Senate, the Chairman of the Foreign Relations Committee, the Majority Whip and a member of this Joint Committee, Senator Mundt.

My recommendation is broader than the proposal which was rejected by the Senate nine years ago (which restricted oversight to the armed services and appropriations committees). However, I firmly believe that intervening events warrant a review of this problem.

Rejection of the Senate Con. Res. 2 in 1956 came at a time when C.I.A.'s publicly known function was exclusively one of fact-finding. Even then, the search for information was carried on in foreign countries, some friendly and some quite belligerent, and the nature of securing information was such that there was a profound risk of antagonizing a foreign sovereign if there was any disclosure of our efforts.

I am concerned because these overseas operations are not reviewed by responsible leaders of the Foreign Affairs and Foreign Relations Committees. Moreover, I would not restrict the oversight of such a joint committee exclusively to operations of the CIA. I would like to see all international intelligence activities of the Federal government reviewed by one joint committee.

I want to make it clear that I am not criticising the operations of the C.I.A. I do not claim to have sufficient information on which to form such a judgment. Moreover, I doubt that most of our colleagues have such information. I do not propose that they should have it. All that I suggest is that there be a Joint Committee composed of those in whom we do have confidence which can give us guidance in discharging our legislative oversight function.

Legislative oversight would also serve the function of making sure that all international intelligence and activities are mutually compatible. I question, for example, whether the Senate Foreign Relations Committee would want to recommend the confirmation of an ambassador in a country where intensive C.I.A. activities are required but where the background and nature of the man nominated for the post precludes informing him of the activities. I would prefer the assurance that a Joint Committee reviewed intelligence operations before I voted for foreign aid authorizations or appropriations to a government where our intelligence organizations might be operating contrary to the interests of that government.

I would suggest that the Joint Committee be selected by the Speaker of the House, the Minority Leader of the House and the Majority and Minority Leaders of the Senate, from among the Members of the Committees concerned with international relations, armed

services and appropriations. In this way, the key selections would be made by those who have demonstrated that they have the respect and esteem of their colleagues. I would feel more confident if I knew that Speaker McCormack, whose perception and patriotism are well-known to us all, played a key role in the legislative oversight of this vital governmental function. I would also feel more confident if I knew that the leaders of the Committees charged with the general responsibility of legislative oversight of international affairs were regularly, and as a matter of right, helping to review all the overseas intelligence and action programs of the Executive Branch of the Government. Experience with the Joint Committee on Atomic Energy demonstrates the benefits of such an approach and the fact that Members of Congress can be trusted with national secrets.

I turn now to a totally different topic. This is the problem of how best to enable freshmen Members of the House of Representatives to meet their legislative responsibilities. At the outset of this part of my testimony I want to acknowledge the kindness and the aid given to freshmen by the leadership of the House and those who participated in the sessions organized by Congressman Udall's group and the American Political Science Association. In addition, many of the senior members of the House also have been very helpful. My suggestions are not intended to suggest that there is any desire to terminate this type of help or that it has not been a major asset to new Congressmen. However, I do think that, even with this help, there are some actions which could be taken which could ease the transition from Congressman-elect to Congressman.

First, I suggest that the orientation and indoctrination should be more formal and of longer duration. I think that it might very well start before the House meets in January and should be conducted over a longer period.

I think, too, that training should be given to the new Congressman's staff. I would suggest that a new Congressman be given funds to hire a few key people before the session starts (exactly the way the privilege of the frank is extended to Congressmen-elect) and that these employees be given the training needed before the session starts. An Administrative Assistant, a case worker and at least one key clerical will predictably be needed in every freshman's office. They help to make the Congressman more effective. They need orientation, even if they have previously worked on the Hill, and particularly if they have not.

I would also suggest that the orientation sessions be broadened in two particulars for the new Congressmen. First, there should be more intensive briefing by representatives of the Departments and agencies. It is important that every Congressman be intimately familiar with the working of the Executive Department and independent agencies to know what help he can get, what problems they have faced and what programs they are pursuing. Votes come too early in the session to permit intensive education between the time the oath is administered and the first votes are taken.

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In addition, I feel the need for intensive training on the rules and procedures. Speaker McCormack has properly advised every freshman to master the rules and we did have limited instruction on how some of them operate. However, they are long, involved and obscure. No doubt, they have great virtue when viewed in perspective, but it is difficult to tell which ones are important and which ones are the product of ritual and are more lightly regarded. For example, Rule XV states that when a roll call is underway, the doors of the House will be shut. However, there is easy access to the Floor through the Speaker's Lobby. The freshman needs to know what other rules are similarly treated.

Many of us who have come to serve in the Congress are lawyers. We have all had to master the rules of civil and of criminal procedures. Most of us have had extensive experience in organizations and, of course, have developed some familiarity with Roberts Rules. Those who served in state or municipal legislatures developed some skill at living within rules and procedures of legislative institutions. However none of these bodies of rules are the same as those which prevail in the House of Representatives.

It is the rules and procedures which control how bills come to the Floor, how they are clarified and altered and how debate will be conducted. Just as we were told by Speaker McCormack, there are few members who have a complete mastery of the rules of debate and we have all seen some senior Members fall afoul of the procedures. I do not anticipate that any freshman could master these rules and precedents in classroom instruction, but I do believe that we could do better and we could have the chance to understand the reasons for some of them and how best to use them.

There are, of course, certain partisan matters and some purely political techniques which are useful. These are properly left to our Party leadership, in and out of the Congress. This is a course of study where none of us are novices but few are experts. Graduate study in this field is our responsibility alone and we are aided by colleagues from our own Party (and sometimes a friend on the other side of the aisle). My proposals are confined to those matters which every Congressman and his key staff members should know, to help him better meet his responsibility as a Member of the House of Representatives.

I would close by repeating my opening statement of gratitude for the help I and my colleagues have received. We have no grounds for complaint. My suggestions are, in large measure, the result of my appreciation for what such training can do. I think it safe to say that we have learned enough to know how much more we must learn before we can fully turn our background and desires into constructive contributions to the work of the Congress.

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